



Pierce County Council

930 Tacoma Ave S, Rm 1046
Tacoma, WA 98402-2176
(253) 798-7777
FAX (253) 798-7509
Toll-Free (800) 992-2456
www.piercecountywa.org/council

Failed at the
05-07-2019
Council meeting.

Council Amendment No. 9
Proposed Ordinance No. 2019-10s
Kelly Green

Date: May 2, 2019
To: Councilmembers
From: Connie Ladenburg, Council District No. 4
Hearing Date: May 7, 2019
Attachments: None
Subject: Proposed Amendment to Ordinance No. 2019-10s – Ground Lease Chambers Bay Resort

The following amendment to Exhibit A would eliminate the Tenant's license for 90 days of exclusive use of the public amenity at no charge. The amendment would authorize the Tenant's private use of the public amenity subject to Park and Recreation use fees. The current fee for a private wedding event at Chambers Regional Park Central Meadow is \$100.00 for 4 hours.

1. Starting on page 7 of Exhibit A, amend Section 1.05.3 as shown below:

1.05.3 Outdoor Amenities: Public Plaza, Fire Access Road, and 9th Tee Box. A portion of the Chambers Creek Properties adjacent to, but not a part of the Property, and as shown on Exhibit F will be improved with a public plaza/small amphitheater to be completed on or about the same time as the hotel portion of the Project, as an enhanced public amenity (the "Public Amenity"), which Public Amenity shall be constructed by Tenant at no cost to Landlord. The plans and specifications for the Public Amenity shall be subject to Landlord's approval as provided in Section 4.04 below. Landlord hereby grants to Tenant a license for construction of the Public Amenity and a license for use thereof during the Term of the Lease as provided in this Section, at no additional cost. During the Term of this Lease the Public Amenity will be open to the public at regular park hours as established from time to time by Landlord and accessible from the walking trail; provided, however, that Tenant shall have the right to reserve for its exclusive use, the Public Amenity for private events for up to 90 partial or full days in each calendar year. With not less than 180 days prior written notice to Tenant, Landlord may reserve the amphitheater portion of the Public Amenity for public events, such as a major golf tournament. Tenant's use of the Public Amenity shall be predominantly on summer weekends. The public use will be subject to reasonable rules of use established by Landlord. Tenant may use the Public Amenity as outlined herein without payment of additional Rent subject to the rental fee established for private events in Pierce County Code Section 14.20.020, except that Revenues for food, beverage, and sales derived by Tenant associated with the use of the Public Amenity shall be included in Gross Revenue for purposes of computing Percentage Rent under Section 2.03. Landlord shall be responsible for maintenance and repair of the Public Amenity except to the extent required as a result of Tenant's use, which shall be the responsibility of Tenant. In the event Tenant is required by the City of University Place to put a fire access road outside of the boundaries of the Property, Landlord will grant a license to Tenant to complete that work at Tenant's sole cost and expense, and no additional Rent shall be payable in connection with such license. In the event Landlord

chooses to enhance the fire access road to make it a part of the Golf Course or Chambers Creek Park trail system, Landlord shall specify the Plans and Specifications for such enhancement and Tenant shall construct said enhancement at its cost and expense and Landlord shall thereafter reimburse Tenant for Tenant's reasonable costs actually incurred in connection with construction of the enhancement as provided in reasonably detailed documentation to be provided by Tenant to Landlord. In addition, it is anticipated that construction of the Public Amenity will require moving and replacing the 9th tee box of the Golf Course. Landlord will manage and complete this work and shall use commercial reasonable efforts to minimize any unreasonable interference with Tenant's development schedule for the Project. The reasonable and necessary costs of the 9th tee box work will be reimbursed by Tenant to the Landlord as a rent credit from the Pro Shop Space Rent, up to a maximum of \$50,000, with costs to be reasonably detailed and documented by Landlord. The Public Amenity and the fire access road shall be subject to the Plans and Specifications approval process in Section 4.04. Any disputes regarding this Section shall be resolved by arbitration as provided in Section 16.

Staff Contacts:

Mike Kruger, Senior Legislative Analyst – (253)798-6067
Jenifer Schultz, Committee Clerk – (253) 798-6696